

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Saint Paul District

FILE NUMBER: 2004-158951-LMK

REGULATORY PROJECT MANAGER: Linda Kurtz **Date:** 11-9-04

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Y **Date:** 11-9-04

At the project site (Y/N) **Date:**

PROJECT LOCATION INFORMATION:

State: Wisconsin

County: Brown

Center coordinates of site by latitude & longitude coordinates: Lat/Long **44.6076 / -87.8174**

Approximate size of site/property (including uplands) in acres **24**

Name or waterway of watershed: Door-Kewaunee

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands				X					
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved **X**

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite): A request for concurrence on a wetland delineation was submitted to the Corps. One area of wetlands was found on the 24-acre property. This isolated wetland is approximately 9 acres in size and is completely surrounded by

upland. A review of local topographic maps, the local soil survey, wetland inventory maps, and aerial photography failed to identify any surface water connection to a water of the U.S.